

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

CATHERINE P. NEWLIN

PLAINTIFF

V.

CIVIL ACTION NO. 1:07cv1055-LTS-RHW

UNITED STATES AUTOMOBILE ASSOCIATION

DEFENDANT

ORDER

On September 26, 2007, Defendant United States Automobile Association (USAA) filed a [4] Motion to Dismiss for Lack of Jurisdiction. Plaintiff has not filed a response to USAA's motion, nor requested an extension of time in which to do so. Uniform Local Rule 7.2(c)(2) provides: "If a party fails to respond to any motion, other than a motion for summary judgment, within the time allotted, the court may grant the motion as unopposed."

USAA's motion is aimed at the fact that it is an incorporated association and, therefore, is a citizen of any state in which it has members and is not diverse from its members. It is alleged in the [1] Complaint that Plaintiff is a Mississippi resident; when a Mississippi plaintiff has been faced with a similar request, either remand or dismissal has occurred, depending on how the cause of action reached this Court. *See, e.g., Lisanby v. USAA*, Civil Action No. 1:05cv660 (remand); *Denton v. USAA*, Civil Action No. 1:06cv621 (same); *Korndorffer v. USAA*, Civil Action No. 1:06cv633 (dismissal); *McIlwain v. USAA*, Civil Action No. 1:06cv577 (same). Dismissal has also occurred when Plaintiff is not a Mississippi resident. *Hymel v. USAA*, No. 1:07cv651.

Accordingly, **IT IS ORDERED:**

Plaintiff's counsel shall, within five (5) days of the date of this order, advise the Court of his position on Defendant's pending [4] motion; failure to so advise the Court or provide adequate support for said position shall result in the granting of the relief sought by Defendant, including dismissal of the [1] complaint.

SO ORDERED this the 22nd day of October, 2007.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE